



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(MBHB 00-1323-H)

In re the Application of:)
Hillman)
Serial No: 10/013,036)
Filed: October 30, 2001)
For: Antimicrobial Polypeptide, Nucleic)
Acid, and Methods of Use)

) Group Art Unit: 1647

) Examiner: S. Gucker

) Conf. No.: 8384

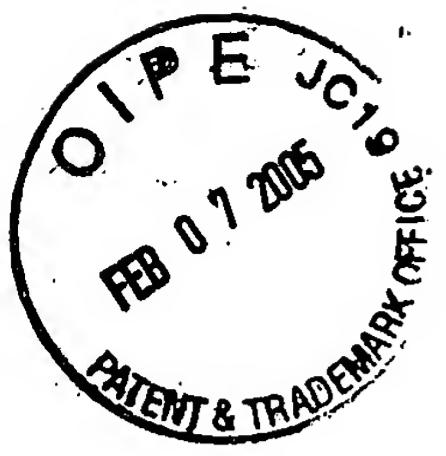
AFFIDAVIT OF JEFFERY D. HILLMAN UNDER 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jeffery D. Hillman, declare as follows:

- (1) I am the named inventor of the above-mentioned U.S. Patent Application.
- (2) I am an author of Smith *et al.*, Covalent structure of mutacin 1140 and a novel method for the rapid identification of lantibiotics, Eur. J. Biochem. Dec. 267:1-8 (2000), which was published less than a year prior to the filing of the above-mentioned patent application.
- (3) My co-authors on the Smith *et al.* paper are: Leif Smith, Jan Novak, Jim Rocca, Scott McClung, and Arthur Edison.
- (4) I provided my co-authors with the starting material, mutacin 1140, and they worked under my direction and supervision to determine the covalent structure of mutacin 1140.
- (5) Therefore, I am the sole inventor of the above-mentioned patent application.



(6) I hereby certify that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: January 31, 2005

By: 

Jeffery D. Hillman